

CHAPTER NO. 100

HOUSE BILL NO. 3567

By Representative Hawk

Substituted for: Senate Bill No. 3474

By Senator Southerland

AN ACT to amend Chapter 179 of the Private Acts of 1953; as amended by Chapter 235 of the Private Acts of 1984; Chapter 182 of the Private Acts of 1996 and Chapter 8 of the Private Acts of 2001; and any other acts amendatory thereto, relative to the civil service program of the town of Greeneville, Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 179 of the Private Acts of 1953, as amended by Chapter 235 of the Private Acts of 1984, Chapter 182 of the Private Acts of 1996, and Chapter 8 of the Private Acts of 2001, and any other acts amendatory thereto, is further amended by:

(a) Deleting from the original title the text “; to authorize the establishment of a pay and hours plan and a pension and retirement system”;

(b) Deleting from the first sentence of the third paragraph of Section 1 the text “ten dollars (\$10.00) per diem” and substituting instead the phrase “twenty-five dollars (\$25.00) per diem”;

(c) Inserting after the word “not” in the second sentence of the third paragraph of Section 1 the text “at least twenty-one (21) years of age and”;

(d) Deleting from Section 2 the text “and all personnel in the recorder’s office, including jailers, telephone operators, fire alarm superintendent and helper,”;

(e) Inserting as the second, third, fourth, and fifth sentences of Section 2 the text: “Provided, however, that initial employment shall be subject to successful completion by the employee of an introductory period ending and signified by majority vote of the town’s governing body at its first regularly scheduled meeting held after the expiration of six (6) months of employment. During the introductory period the employment of such employee shall be at will and may be terminated by majority vote of the town’s governing body. Said introductory period may be extended with the approval of the board. A vote of the governing body to discharge the employee during the introductory period (which vote may also occur prior to the expiration of six (6) months of employment) shall not be subject to review by the board”;

(f) Deleting from the first paragraph of Section 3 the text “shall be made on the basis on seniority, fitness, and efficiency, which”;

(g) Deleting from the first sentence of the second paragraph of Section 3 the word “assonance” and substituting instead the word “assistance”;

(h) Deleting from the first sentence of the second paragraph of Section 3 the text “drawing up minimum standards of” and substituting instead the text “preparing job descriptions outlining the necessary”;

(i) Deleting from the first sentence of the second paragraph of Section 3 the text up to and including the positions of chief of police, recorder, and chief of the fire department”;

(j) Inserting after the second sentence of the second paragraph of Section 3 the text “However, for the positions of recorder, assistant recorder, chief of police, assistant chief of police, chief of the fire department, or assistant chief of the fire department, the governing body or its designee, and the respective department heads of the classified service shall meet with the board and give assistance to the board in preparing job descriptions outlining the necessary mental ability, physical condition, experience, education, personality, and specialized training for each position. Such job descriptions when set shall remain in effect until altered by action of the board and governing body.”;

(k) Deleting from the second paragraph of Section 3 every occurrence of the word “standards” and substituting for every deletion the words “job descriptions”;

(l) Deleting the fourth paragraph of Section 3 in its entirety and substituting instead the following text:

“If any vacancy shall occur within any branch of the classified service, the vacancy shall be filled using the criteria outlined in Section 10. No person shall be reinstated in, or transferred, suspended, or discharged from any place, position, or employment in the classified service contrary to the provisions of this act.”;

(m) Deleting from the second sentence of Section 4 (a) the text “or mimeographed”;

(n) Deleting the third sentence of Section 4 (a) in its entirety and substituting instead the following text:

“The respective department heads of the classified service shall meet with the board from time to time and give assistance in drawing up job descriptions for members of the classified service and shall concur with the board with respect to the job descriptions for each job classification. However, for the positions of recorder, assistant recorder, chief of police, assistant chief of police, chief of the fire department, assistant chief of the fire department, the governing body or its designee, and the respective department heads of the classified service shall meet with the board from time to time and give assistance in drawing up job descriptions for the afore mentioned positions. The governing body shall concur with the board in respect to the job descriptions for each job classification”;

(o) Deleting from the second sentence of Section 4 (c) the text “and must also be made” and substituting instead the word “or”;

(p) Deleting from the first sentence of Section 4 (d) the text “and procedure to be” and substituting instead the words “of the Tennessee Uniform Administrative Procedures Act”;

(q) Inserting in Section 4 (e) the text "promotions," following the text "relative to";

(r) Deleting Section 4 (f) in its entirety;

(s) Deleting from the second sentence of Section 4 (g) the text "by reason of seniority established by continuous service in the respective departments" and substituting instead the text "in descending order of ranking on the applicable certified list";

(t) Deleting from the first sentence of Section 4 (h) the text "probationers" and substituting instead the text "those in the introductory period";

(u) Deleting from Section 6 (b) the text "such minimum standards as are stated" and substituting instead the text "the criteria outlined in the job descriptions as adopted";

(v) Deleting from Section 6 (b) the text "of ordinary good health" and substituting instead the text "able to perform the essential functions of the job with or without reasonable accommodation";

(w) inserting in the first sentence of Section 8 the text "demoted," immediately following the text "removed,";

(x) Inserting in the second sentence of Section 8 the word "subsequent" immediately before the word "confirmation";

(y) Inserting in the third sentence of Section 8 the text "demoted," immediately following the text "removed,";

(z) Inserting in the fourth sentence of Section 8 the text "demotion," immediately following the text "removal,";

(aa) Inserting in the fifth sentence of Section 8 the text "demoted," immediately following the text "removed,";

(bb) Deleting from the fifth sentence of paragraph 1 of Section 8 the text "removal, or if it shall find that the removal or suspension" and substitute instead the text "action, or if it shall find that the action";

(cc) Deleting from the sixth sentence of paragraph 1 of Section 8 the text "removal, suspension or discharge" and substitute instead the word "action";

(dd) Deleting from the last sentence of paragraph 2 of Section 8 the text "order of removal, discharge or suspension made by" and substituting instead the text "action of";

(ee) Deleting the text in Section 10 in its entirety and substituting instead the following text:

Section 10. Be it further enacted, Appointment to Vacant Positions: Certification from Lists.

Entry-level Positions: Whenever an entry-level position in the classified service becomes vacant, the department head through the

governing body of the town of Greeneville, shall make a requisition upon the civil service board. The list certified by the civil service board to the governing body shall be made up of the top applicants and shall always include the number of positions to be filled in the classified service plus one name. The head of the respective department, with the approval of the governing body, shall appoint from the civil service board certified list the number of individuals requisitioned.

An applicant's refusal or lack of response upon job offer will cause the name of the applicant to be removed from the entry-level position list. The removed applicant may compete for an entry-level position again at the regular scheduled test administered by the civil service board on the first Thursday of November in an even numbered year.

The entry-level certified list issued by the civil service board to an appointing officer shall be valid for a period of thirty (30) days from the date of its issuance. After the expiration of such thirty-day period, the appointing officer shall request a new certification list.

Promotions: Whenever a position involving a promotion in the classified service becomes vacant, the department head through the governing body of the town of Greeneville shall make a requisition upon the civil service board to determine the person highest on the eligible list who is willing to accept the vacant position. The civil service board shall certify that name to the governing body. If more than one promotion is to be filled the next name on the appropriate certified list shall be certified to the governing body.

A refusal or lack of response from an employee upon job offer will cause the name of the employee to be moved to the bottom of the promotion list. The employee may compete for higher ranking on the promotion list again when the promotion test is administered by the civil service board.

The promotion certified list issued by the civil service board to an appointing officer shall be valid for a period of thirty (30) days from the date of its issuance. After the expiration of such thirty-day period, the appointing officer shall request a new certification.

Specific Supervisory Positions: When a vacancy occurs in the office of recorder, assistant recorder, chief of police, assistant chief of police, chief of the fire department, or assistant chief of the fire department, the governing body of the town of Greeneville by majority vote may consider any applicant believed by the majority of the governing body to be qualified to fill such vacancy.

The civil service board shall certify to the governing body all names from the classified services who are qualified to fill such vacancy as per the criteria outlined in the job description for the position. All employees in the classified services who do not meet the criteria in the job description as set forth by the civil service board are ineligible for the position.

The civil service board shall also certify to the governing body all names of all other applicants not in the classified services of the town of

Greeneville that the governing body has determined to be qualified to fill such vacancy. Applicants not in the classified service must submit to the same interview and/or evaluation process using the criteria in the job description for the position to be filled.

The civil service board shall not rank the applicants on the certified list for specific supervisory positions. The governing body shall fill such vacancy from the certified list by majority vote with the person it determines to be the most qualified to fill the vacancy.

All external advertising and collections of applications for vacant positions of recorder, assistant recorder, chief of police, assistant chief of police, chief of the fire department, or assistant chief of the fire department, shall be at the request of the governing body and will be administered by the civil service board.

The specific-supervisory certified list issued by the civil service board to an appointing officer shall be valid for a period of thirty (30) days from the date of its issuance. After the expiration of such thirty-day period, the appointing officer shall request a new certification.”;

(ff) Deleting the text of Section 13 in its entirety and substituting instead the following text:

Section 13. Be it further enacted, Political Activities Prohibited:

(a) No person shall be appointed or promoted to, or demoted or dismissed from any position in the classified service or in any way favored or discriminated against with respect to the employment in the classified service because of his/her political or religious opinions. All employees must take an oath to support the Constitution of the United States.

(b) No person shall seek or attempt to use a political endorsement in connection with an appointment to a position in the classified service.

(c) No person shall use or promise to use, directly or indirectly, any official authority to influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or any increase in pay or other advantages in employment in any such position, whether for the purpose of influencing the vote or political action of any person, or for any consideration, or otherwise.

(d) Employees are urged to exercise their rights to vote and privately express political views as citizens. However, employees shall not solicit political campaign contributions or engage in political activities while on duty. Employees are prohibited from running for the office of mayor or alderman of the town of Greeneville while employed by the town of Greeneville.

(gg) Deleting the text of Section 14 in its entirety;

(hh) Deleting from the text of Section 20 in its entirety and substituting instead the text:

"Section 20. Be it further enacted, Penalty. Any person who willfully violates any provision of this act shall upon conviction of the same in the city court for the town of Greeneville be fined not more than fifty dollars (\$50.00) for each offense, with any continuing violation treated as a separate offense for each calendar day such offense continues."

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Greeneville. Its approval or nonapproval shall be proclaimed by the presiding officer of Greeneville and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2

PASSED: March 22, 2004


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 8th day of April 2004


PHIL BREDESEN, GOVERNOR